

OA-FY21-0279
Cumulative Impacts on Communities with EJ Concerns
Working Paper Section: C

Workaper Title: PSSC – Notification Memo Prep

	Initials	Date	Comments
Preparer Completion	DJC	9/17/21	
Reviewer – 1 st Level			
Reviewer – 2 nd Level	<i>PJM</i>	11/10/21	
Edits/Corrections			

Purpose: To document the preparation and drafting of the notification memo to the Agency regarding the subject audit.

Source: Team Generated

Name	Email	Office, Title	Location/ Phone number
OIG Office of Audit, Pollution Control & Cleanup (PCC) Audit Team:			
Tina Lovingood	Lovingood.tina@epa.gov	PCC Product Line Director (PLD)	Washington, DC; 202-(b) (6)
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Bo Park	Park.bo@epa.gov	PCC Auditor	Atlanta, GA.; 404-(b) (6)
(b) (6)	(b) (6) @epa.gov	PCC Auditor	Washington, DC; No phone

Scope: Per Assignment Guide, Section C, the OIG team drafted the notification memo to the Agency regarding the subject audit.

Conclusion: The team prepared a notification memo for PLD & AIG review and approval. See Details 1-4 below.

1. OCPA cleared the memo on 9/7/21. [\[Details 3\]](#)
2. IG O'Donnell approved the memo 9/16/21 [\[Details 5\]](#)
3. PLD Lovingood issued the memo to the agency on 9/16/21. [\[See w/p Link: C.01.B - Notification Memo Issuance - PSSC - Issuance of Notification Letter.docx\]](#)

Details:

1. The team prepared a draft of the notification memo for consolidated OCCPA review on 8/30/21.
 - a. Email: [Link: FW Assistance with Notification Memo.Editor.08 31 21.pdf](#)
 - b. Attached Memo – 1st Draft: [Link: pjml TL Notification Memo CR \(005\) CL BK \(002\).docx](#)

2. The team and OCCPA continued to revise the memo through 9/2/21.
 - a. Email: [Link: FW Assistance with Notification Memo.Editor.09 02 21.pdf](#)
 - b. Attachment: [Link: FW Assistance with Notification Memo.Editor.09 02 21.pdf](#)
3. OCCPA cleared the memo on 9/7/21.
 - a. Email: [Link: pjw TL Notification Memo CR \(005\) CL BK CL \(002\) cleared \(002\).docx](#)
 - b. Attachment: [Link: pjw TL Notification Memo CR \(005\) CL BK CL \(002\) cleared \(002\).docx](#)
4. PLD Lovingood made additional revisions to the Notification Memo and forwarded to the AIG for review on 9/9/21.
 - a. Email: [Link: FW Notification Memo for Cumulative Impacts.PLD 09 09 21.pdf](#)
 - b. Attached Memo: [Link: Cumulative Impacts Notification Memo - 9-9-2021 \(002\).docx](#)
5. The IG approved the Notification Memo on 9/16/21.
 - a. Email: [Link: FW Notification memo IG Approval.pdf](#)
6. PLD Lovingood issued the notification memo to the agency on 9/16/21. See w/p C.01.B: [Link: C.01.B - Notification Memo Issuance - C.01.PSSC - Prep & Issuance of Notification Letter.docx](#)

OA-FY21-0279
Cumulative Impacts on Communities with EJ Concerns
Working Paper Section: C

Workaper Title: PSSC – Issuance of Notification Memo

	Initials	Date	Comments
Preparer Completion	DJC	9/17/21	
Reviewer – 1 st Level			
Reviewer – 2 nd Level	<i>PJM</i>	11/10/21	
Edits/Corrections			

Purpose: To document the issuance of the notification memo to the Agency regarding the subject audit.

Source: Memorandum OIG Notification of Audit: *Project No. OA-FY21-0279*

Cumulative Impacts on Communities with EJ Concerns, issued 9/16/21:

- a. PDF Document: [Link: Cumulative Impacts Notification Memo 9-16-2021 \(002\).pdf](#)
- b. Email: [Link: OIG Notification Memo 35th Avenue Superfund Site Case Study on Cumulative Impacts.pdf](#)
- c. OIG Announcement: [Link: \[oig-news\] Notification 35th Avenue Superfund Site Case Study on Cumulative Impacts.pdf](#)

Scope: Per Assignment Guide, Section C, the OIG team drafted and issued the notification memo to the Agency regarding the subject audit. For memo preparation by the audit team, see workpaper C.01.A: [Link: C.01.A - Notification Memo Preparation - PSSC - Notification Memo Prep.docx](#)

Conclusion: The audit team issued the agency Notification of Audit Memo *Project No. OA-FY21-0279Cumulative Impacts on Communities with EJ Concerns* on 9/16/21. [See [Source above](#)]

1. Auditor conclusion: Because the notification memo states that the OIG plans to determine what actions the EPA has taken—in accordance with its mission, its program goals, and applicable executive orders—to identify and address any **disproportionate health effects** to disadvantaged communities located on or near the 35th Avenue Superfund site in Birmingham, Alabama, [source 1, PDF pg. 1] OIG will analyze (b) (5)

<u>NAME</u>	<u>DATE</u>	<u>Comments</u>
Prepared/Completed by: (b) (6)	10/14/21	
Reviewed by: Debra Coffel	10/22/21	[DJC]: I reviewed this WP and found it satisfactory. (No comments were provided.)
Edited by: (b) (6)	11/30/21	Added details section, and sources 6, 7, 8, & 9
Reviewed by: Debra Coffel	12/22/21	No comments. [DJC]

Purpose: To document and summarize previous EPA OIG, HUD OIG, and GAO reports that may inform the 35th Ave Case Study on Cumulative Impacts.

Source(s):

#	Description/Title	Source Document
1	EPA Can Increase the Impact of EJ Link: 01.QA. Chapter 1 Indexed.docx	Link:
2	EPA Regions Have Considered Environmental Justice When Targeting Facilities for Air Toxics Inspections Link: 01.QA. Chapter 1 Indexed.docx Link: 01.QA. Chapter 1 Indexed.docx	Link:
3	EPA Needs to Conduct Environmental Justice Reviews of its Programs, Policies, and Activities Link: 01.QA. Chapter 1 Indexed.docx Link: 01.QA. Chapter 1 Indexed.docx	Link:
4	EPA Needs to Consistently Implement the Intent of the EO on EJ Link: 01.QA. Chapter 1 Indexed.docx	Link:
5	EPA Should Take Additional Actions to Manage Risks from Climate Change	Link:
6	Contaminated Sites Pose Potential Health Risks to Residents at HUD-Funded Properties	Link:
7	HUD Lacked Adequate Oversight of Lead-Based Paint Reporting and Remediation in Its Public Housing and Housing Choice Voucher Programs	Link:
8	EPA Needs to Better Assess and Disclose Quality of Compliance and Enforcement Data	Link:
9	ENVIRONMENTAL JUSTICE: Federal Agencies Could Benefit from a Strategic Approach to Assess Progress	Link:

10	<i>EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites</i> , September 9, 2021. Link: 01.QA. Chapter 1 Indexed.docx	https://www.epa.gov/office-inspector-general/report-epas-office-land-and-emergency-management-lacked-nationally
11	<i>EAMS Spreadsheet with OIG corrective actions documented.</i>	Link: D.01 - Copy of Benz-Corrective-Action-Report-All-Results-By-List-Report-Numbers-for-Todd-Goldman-Pat-Milligan.xlsx

Scope:

1. This EPA OIG report (Source 1) was retrieved from EPA OIG'S reports webpage on 10/7/21
<https://www.epa.gov/office-inspector-general/report-epa-can-increase-impact-environmental-justice-agency-rulemaking>
2. This EPA OIG report (Source 2) was retrieved from EPA OIG's reports webpage on 10/7/21.
<https://www.epa.gov/office-inspector-general/report-epa-regions-have-considered-environmental-justice-when-targeting#:~:text=of%20Inspector%20General-Report%3A%20EPA%20Regions%20Have%20Considered%20Environmental%20Justice%20When.Facilities%20for%20Air%20Toxics%20Inspections>
3. This EPA OIG report (Source 3) was retrieved from EPA OIG's reports webpage on 10/8/21.
<https://www.epa.gov/office-inspector-general/report-epa-needs-conduct-environmental-justice-reviews-its-programs>
4. The EPA OIG report (Source 4) was retrieved from EPA OIG's reports webpage on 10/12/21.
<https://www.epa.gov/office-inspector-general/report-epa-needs-consistently-implement-intent-executive-order>
5. This GAO report (Source 5) was retrieved from GAO's products webpage on 10/12/21.
<https://www.gao.gov/products/gao-20-73>
6. This HUD OIG report (Source 6) was retrieved from HUD OIG's reports webpage on 11/30/21.
<https://www.hudoig.gov/reports-publications/report/contaminated-sites-pose-potential-health-risks-residents-hud-funded>
7. This HUD OIG report (Source 7) was retrieved from HUD OIG's reports webpage on 11/30/21.
<https://www.hudoig.gov/reports-publications/report/hud-lacked-adequate-oversight-lead-based-paint-reporting-and>
8. This GAO report (Source 8) was retrieved from GAO's products webpage on 12/7/21.
<https://www.gao.gov/products/gao-21-290>
9. This GAO report (Source 9) was retrieved from GAO's products webpage on 12/8/21.
<https://www.gao.gov/products/gao-19-543>

10. OIG Report (Source 10) No. 21-P-0223, *EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites*, September 9, 2021. <https://www.epa.gov/office-inspector-general/report-epas-office-land-and-emergency-management-lacked-nationally>

Conclusion(s):

1. We recommend that the Associate Administrator for the Office of Policy implement a process to measure use of the guides, keep the EPA Administrator informed if delays occur in issuing the EJ Technical Guidance, and provide training on using the EJ Technical Guidance. We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention provide training on using the EJ in Rulemaking Guide. The agency concurred with the recommendations and provided acceptable corrective actions with planned completion dates. All recommendations are considered resolved.. (Source 1)
2. This report reviewed whether EPA's Office of Enforcement and Compliance Assurance (OECA) and EPA regions have targeted facilities with disproportionate impacts for air toxics inspections. OIG found that EPA does consider EJ in their air toxics facility targeting activities. (Source 2)
3. This OIG report reviewed whether EPA's program and regional offices performed environmental justice reviews of their programs, policies, and activities as required by EO 12898. EPA OIG found that the majority of EPA programs or offices have not performed environmental justice reviews. (Source 3)
4. This report reviewed how has EPA implemented EO 12898 and integrated its concepts into EPA's regional and program offices. Also the report reviewed how are environmental justice areas defined at the regional levels and what is the impact. EPA OIG determined that EPA regions do not use consistent approaches to identify EJ communities. Similarly, EPA has not fully implemented EJ. (Source 4)
4.a. Auditor Conclusion: Reports address Environmental Justice and Cumulative Impact issues as well as disproportionate health effects to disadvantaged communities.
5. This report reviewed issues related to the impact of climate change on nonfederal NPL sites; GAO found that 60 percent of all nonfederal NPL sites are located in areas that may be impacted by potential climate change effects. GAO recommended that EPA clarify how its actions to manage risks at nonfederal NPL sites from potential impacts of climate change align with current goals and objectives. (Source 5)
6. This report reviewed issues related to lead contamination and the potential health risks for residents of HUD-funded properties face. (Source 6)
7. This report reviewed issues related to lead-based paint reporting and remediation in HUD programs. (Source 7)
8. This report reviewed issues related to compliance and enforcement data involving the Clean Water Act. (Source 8)
9. This report reviewed the 16 federal agencies that comprise the Interagency Working Group on Environmental Justice and assessing their progress towards addressing disproportionate risks communities with EJ concerns face. (Source 9)
10. ***EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites*** (Source 10) This audit found that the EPA did not consistently communicate human health risks at select sites being addressed by Office of

Land and Emergency Management, or OLEM, in a manner that allowed impacted communities to decide how to manage their risks of exposure to harmful contaminants. OLEM did not consistently adhere to existing guidance on risk communication, including the EPA's Seven Cardinal Rules of Risk Communication.

Details:

All details are direct quotations from the source unless otherwise noted.

Source 1 : EPA Can Increase Impact of Environmental Justice on Agency Rulemaking by Meeting Commitments and Measuring Adherence to Guidance

1. The EPA was 3 years behind schedule in issuing the final EJ in Rulemaking Guide. According to EPA's Plan EJ 2014, the EJ in Rulemaking Guide was to have been finalized and released by the end of 2011. However, the document was not finalized until May 29, 2015. Also, the draft EJ Technical Guidance planned to be a technical complement to the EJ in Rulemaking Guide—is not projected to be final until 2016. According to the EPA, delays in finalizing the guides were due to efforts to address extensive comments received during the internal agency review process. Use of the EJ in Rulemaking Guide is voluntary and it is not consistently used during the rulemaking process, so its impact is uneven across the agency. The EPA does not currently have an agency wide process for assessing the extent to which the EJ in Rulemaking Guide is applied. We found that the draft EJ Technical Guidance is not being used at all. Without measures and controls that assess when and how the EJ guidance is used in rulemaking, the EPA limits its ability to encourage broad, consistent use throughout the agency and to evaluate the guides' impact on rulemaking. (Source 1, PDF, Pg. 1/1) (AN: Information synthesized from At a Glance Document)
2. We recommend that the Associate Administrator for the Office of Policy implement a process to measure use of the guides, keep the EPA Administrator informed if delays occur in issuing the EJ Technical Guidance, and provide training on using the EJ Technical Guidance. We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention provide training on using the EJ in Rulemaking Guide. The agency concurred with the recommendations and provided acceptable corrective actions with planned completion dates. All recommendations are considered resolved. (Source 1, PDF, Pg. 1/1)

Source 2 : EPA Regions Have Considered Environmental Justice When Targeting Facilities for Air Toxics Inspections

1. All 10 EPA regions have considered EJ when targeting facilities for air toxics inspections. EJ is one of many different factors that regions used when deciding where to conduct air toxics inspections. Other common factors that EPA regions used to target air toxics inspections included: Cancer risk in the area surrounding a facility, overall emissions from a facility, a facility's compliance history. (Source 2, PDF, Pg. 1/1)
2. We make no recommendations. (Source 2, PDF, Pg. 1/1)

Source 3 : EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities

1. Our survey results showed that EPA senior management has not sufficiently directed program and regional offices to conduct environment justice reviews in accordance with Executive Order 12898. Consequently, the majority of respondents reported their programs or offices have not performed environmental justice reviews. Though some

offices may not be subject to an environmental justice review, the respondents expressed a need for further guidance to conduct reviews, including protocols, a framework, or additional directions. Until these program and regional offices perform environmental justice reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations. (Source 3, PDF, Pg. 1/1)

2. We recommended that the Deputy Administrator: (1) Require the Agency's program and regional offices to identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews. (2) Ensure that environmental justice reviews determine whether the programs, policies, and activities may have a disproportionately high and adverse health or environmental impact on minority and low-income populations. (3) Require each program and regional office to develop, with the assistance of the Office of Environmental Justice, specific environmental justice review guidance, which includes protocols, a framework, or directions for conducting environmental justice reviews. (4) Designate a responsible office to (a) compile the results of environmental justice reviews, and (b) recommend appropriate actions to review findings and make recommendations to the decision making office's senior leadership. The Agency accepted our recommendations. (Source 3, PDF, Pg. 1/1)

Source 4 : EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice

1. EPA has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations. EPA has not identified minority and low-income, nor identified populations addressed in the Executive Order, and has neither defined nor developed criteria for determining disproportionately impacted. Moreover, in 2001, the Agency restated its commitment to environmental justice in a manner that does not emphasize minority and low-income populations, the intent of the Executive Order. Although the Agency has been actively involved in implementing Executive Order 12898 for 10 years, it has not developed a clear vision or a comprehensive strategic plan, and has not established values, goals, expectations, and performance measurements. We did note that the Agency made an attempt to issue an environmental justice toolkit; endorsed environmental justice training; and required that all regional and programmatic offices submit "Action Plans" to develop some accountability for environmental justice integration. In the absence of environmental justice definitions, criteria, or standards from the Agency, many regional and program offices have taken steps, individually, to implement environmental justice policies. This has resulted in inconsistent approaches by the regional offices. Thus, the implementation of environmental justice actions is dependent not only on minority and income status but on the EPA region in which the person resides. Our comparison of how environmental justice protocols used by three different regions would apply to the same city showed a wide disparity in protected populations. (Source 4, PDF, Pg. 5/75)
2. We recommended that the Acting Deputy Administrator issue a memorandum reaffirming that Executive Order 12898 is an Agency priority and that minority and low-income populations disproportionately impacted will be the beneficiaries of this Executive Order. Additionally, EPA should establish specific time frames for the development of definitions, goals, and measurements. Furthermore, we recommended

that EPA develop and articulate a clear vision on the Agency's approach to environmental justice. We also recommended that EPA develop a comprehensive strategic plan, ensure appropriate training is provided, clearly define the mission of the Office of Environmental Justice, determine if adequate resources are being applied to environmental justice, and develop a systematic approach to gathering information related to environmental justice. (Source 4, PDF, Pg. 6/75)

Source 5 : EPA Should Take Additional Actions to Manage Risks from Climate Change

1. EPA's actions to manage risks to human health and the environment from potential impacts of climate change effects at nonfederal NPL sites align with three of the six essential elements of enterprise risk management GAO previously identified, partially align with two essential elements, and do not align with one essential element. For example, EPA has not taken actions consistent with one essential element because it has not aligned its process for managing risks with agency-wide goals and objectives, which do not mention climate change. Without clarifying this alignment, EPA cannot ensure that senior officials will take an active role in strategic planning and accountability for managing these risks. Available federal data—from the Environmental Protection Agency (EPA), Federal Emergency Management Agency, National Oceanic and Atmospheric Administration, and U.S. Forest Service—on flooding, storm surge, wildfires, and sea level rise suggest that about 60 percent of all nonfederal National Priorities List (NPL) sites are located in areas that may be impacted by these potential climate change effects. (Source 5, PDF, Pg. 2/71)
2. Recommendations: The Director of the Office of Superfund Remediation and Technology Innovation should establish a schedule for standardizing and improving information on the boundaries of nonfederal NPL sites. (Recommendation 1 open), The Administrator of EPA should clarify how EPA's actions to manage risks to human health and the environment from the potential impacts of climate change effects at nonfederal NPL sites align with the agency's current goals and objectives. (Recommendation 2 open), The Director of the Office of Superfund Remediation and Technology Innovation should provide direction on how to integrate information on the potential impacts of climate change effects into risk assessments at nonfederal NPL sites. (Recommendation 3 implemented), The Director of the Office of Superfund Remediation and Technology Innovation should provide direction on how to integrate information on the potential impacts of climate change effects into risk response decisions at nonfederal NPL sites. (Recommendation 4 implemented) (Source 5, PDF, Pg. 54/71)

Source 6 : Contaminated Sites Pose Potential Health Risks to Residents at HUD-Funded Properties

1. The West Calumet Housing Complex (WCHC), located in East Chicago, IN, was a public housing development that opened in 1972 on top of a former lead smelting plant. HUD and other agencies missed multiple opportunities to identify site contamination at WCHC. As a result, WCHC residents continued living in unsafe conditions for decades, and inadequate oversight led to the lead poisoning of children in WCHC. Between 2005 and 2015, a child living in WCHC had nearly a three times greater chance of having elevated blood lead levels than children living in other areas of East Chicago. HUD has partnered with and relied on the Environmental Protection Agency (EPA) to identify contaminated HUD-funded properties and develop a mitigation strategy for those

properties. In 2016, EPA provided HUD a list of HUD-funded properties on or near contaminated sites. Since then, EPA and HUD have updated this list. While HUD has taken steps to improve communication with EPA, it can do more with the information it receives to understand how contaminated sites might impact HUD-funded properties. As a result of HUD's approach to identifying contaminated sites, residents of those contaminated properties might experience prolonged exposure to potential contaminants. HUD may be unaware of other situations like WCHC. Therefore, HUD needs to take more action and develop a strategy to identify and mitigate those situations. (Source 6, PDF, Pg. 3/44)

2. We offer four recommendations to help HUD (1) develop and implement strategies to research properties and determine whether site contamination should be considered in future environmental reviews and then (2) monitor those reviews, (3) develop and implement a strategy to review PIH-funded properties with potential contamination to determine whether site contamination should be considered in future environmental reviews, (4) Monitor environmental reviews of PIH-funded properties with potential contamination. (Source 6, PDF, Pg. 24/44)

Source 7 : HUD Lacked Adequate Oversight of Lead-Based Paint Reporting and Remediation in Its Public Housing and Housing Choice Voucher Programs

1. HUD lacked adequate oversight of lead-based paint reporting and remediation in its public housing and Housing Choice Voucher programs. Specifically, it did not (1) ensure that public housing agencies appropriately reported and mitigated cases involving children with environmental intervention blood lead levels (EIBLL) in its public housing program, (2) establish policies and procedures for public housing agencies to report a child with an EIBLL who resided in a household assisted under its Housing Choice Voucher program and ensure that identified lead hazards had been mitigated, and (3) ensure that public housing agencies completed required lead-based paint inspections. In addition, for housing built after 1977, HUD did not require public housing agencies to report and mitigate cases involving children with EIBLLs residing in public or assisted housing. As a result, HUD lacked assurance that public housing agencies properly identified and mitigated lead hazards, thus increasing the potential of exposing children to lead poisoning due to unsafe living conditions. (Source 7, PDF, Pg. 3/23)
2. We recommend that the General Deputy Assistant Secretary for Public and Indian Housing (1) update HUD's regulations to expand the inspection and abatement requirements of 24 CFR (Code of Federal Regulations) Part 35 to housing built after 1977 in cases in which a child with an elevated blood lead level is reported and (2) implement adequate procedures and controls to ensure that public housing agencies comply with the lead safe requirements. (Source 7, PDF, Pg. 3/23)

Source 8 : EPA Needs to Better Assess and Disclose Quality of Enforcement and Compliance Data

1. Since 2015, the Environmental Protection Agency (EPA) has modified one of its three national initiatives emphasizing compliance with the Clean Water Act and has discontinued two others (see fig.). The goal of the modified initiative is to reduce significant noncompliance with National Pollutant Discharge Elimination System (NPDES) permits by half by the end of fiscal year 2022. Such permits set limits on discharges of wastewater from point sources, such as a pipe from an industrial facility. This goal supports EPA's strategic objective to increase compliance with environmental

laws in its strategic plan for fiscal years 2018-2022. EPA discontinued its initiatives focused on animal waste pollution and raw sewage and stormwater runoff, returning these areas to the core enforcement program in 2018 and 2019, respectively. As a result, these areas no longer receive the heightened attention and focused resources of the national initiatives, but the agency still pursues enforcement actions when needed. (Source 8, PDF, Pg. 2/60)

2. We are making the following four recommendations to the Environmental Protection Agency: The Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance should revise its guidance to select files for its State Review Framework assessments of state-reported data to incorporate statistically valid probability sampling. (Recommendation 1) The Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance should ensure that consolidated, complete, and updated information on all data limitations is disclosed on the State Water Dashboard. (Recommendation 2) The Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance should develop a plan to determine the overall accuracy and completeness of the permit limit and discharge monitoring report data recorded in its national database. (Recommendation 3) The Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance should develop a performance measure to trace the reduction in pollutant discharges resulting from enforcement action for facilities in significant noncompliance and disclose any limitations (Recommendation 4) (Source 8, PDF, Pg. 45/60)

Source 9 : Environmental Justice: Federal Agencies Could Benefit from a Strategic Approach to Assess Progress

1. As GAO reported in September 2019, most of the 16 member agencies of the Interagency Working Group on Environmental Justice reported planning and implementing some actions to identify and address environmental justice issues, such as creating data tools, developing policies or guidance, and building community capacity through small grants and training. For example, the Environmental Protection Agency (EPA) created a mapping tool that can help identify low-income and minority communities exposed to health or environmental risks. Most of the agencies supported their efforts with funds and staff from related programs, but EPA and the Department of Energy provided funds (totaling \$8.3 million in fiscal year 2018) and staff specifically for environmental justice. (Source 9, PDF, Pg. 2/90)
2. We are making a total of 24 recommendations to 15 agencies of the Interagency Working Group on Environmental Justice—nine to the federal agencies that need to develop or update strategic plans (recommendations 1-9); 11 to the federal agencies that need to develop annual progress reports (recommendations 10-20); and four to the Environmental Protection Agency as chair of the working group (recommendations 21-24). The Secretary of Commerce should update the department's environmental justice strategic plan. (Recommendation 1) The Assistant Secretary of Defense for Sustainment should update the department's environmental justice strategic plan. (Recommendation 2) The Secretary of Education should update the department's environmental justice strategic plan. (Recommendation 3) The Secretary of Homeland Security should update the department's environmental justice strategic plan. (Recommendation 4) The Secretary of Housing and Urban Development should update the department's environmental justice strategic plan. (Recommendation 5) The Attorney General of the United States should

update the department's environmental justice strategic plan. (Recommendation 6) The Secretary of Labor should update the department's environmental justice strategic plan. (Recommendation 7) The Administrator of the Small Business Administration should complete the agency's assessment of whether to participate in the 1994 Executive Order and the 2011 Memorandum of Understanding, and, if appropriate, develop an environmental justice strategic plan. (Recommendation 8) The Secretary of Veterans Affairs should update the department's environmental justice strategic plan. (Recommendation 9) The Secretary of Agriculture should issue a progress report on the department's environmental justice efforts each year. (Recommendation 10) Recommendations for Executive Action Page 48 GAO-19-543 Federal Efforts in Environmental Justice The Secretary of Commerce should issue a progress report on the department's environmental justice efforts each year. (Recommendation 11) The Assistant Secretary of Defense for Sustainment should issue a progress report on the department's environmental justice efforts each year. (Recommendation 12) The Secretary of Education should issue a progress report on the department's environmental justice efforts each year. (Recommendation 13) The Secretary of Health and Human Services should issue a progress report on the department's environmental justice efforts each year. (Recommendation 14) The Secretary of Energy should issue a progress report on the department's environmental justice efforts each year. (Recommendation 15) The Secretary of Housing and Urban Development should issue a progress report on its environmental justice efforts each year. (Recommendation 16) The Secretary of the Interior should issue a progress report on the department's environmental justice efforts each year. (Recommendation 17) The Secretary of Labor should issue a progress report on the department's environmental justice efforts each year. (Recommendation 18) The Secretary of Transportation should issue a progress report on the department's environmental justice efforts each year. (Recommendation 19) The Secretary of Veterans Affairs should issue a progress report on the department's environmental justice efforts each year. (Recommendation 20) The Administrator of EPA, as chair of the working group, should develop guidance for agencies on what they should include in their environmental justice strategic plans. (Recommendation 21) The Administrator of EPA, as chair of the working group, should develop guidance or create a committee of the working group to develop guidance on methods the agencies could use to assess progress toward their environmental justice goals. (Recommendation 22) The Administrator of EPA, as chair of the working group, and in consultation with the working group, should clearly establish, in its organizational documents, strategic goals for the federal government's efforts to carry out the 1994 Executive Order. (Recommendation 23) The Administrator of EPA, as chair of the working group, and in consultation with the other working group members, should update the 2011 Memorandum of Understanding and renew the agencies' commitments to participate in the interagency collaborative effort and the working group. (Recommendation 24) (Source, PDF, Pg. 53/91)

SOURCE 10

OIG Report No. 21-P-0223, *EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites, September 9, 2021*. This audit found that the EPA did not consistently communicate human health risks at select sites being addressed by Office of Land and Emergency Management, or

OLEM, in a manner that allowed impacted communities to decide how to manage their risks of exposure to harmful contaminants. OLEM did not consistently adhere to existing guidance on risk communication, including the EPA's Seven Cardinal Rules of Risk Communication. The OIG recommends that OLEM implement internal controls to (1) achieve OLEM-wide, nationally consistent risk communication to improve public awareness and understanding of risks; (2) monitor its risk communication efforts; and (3) provide community members with information to manage their risks when exposed to actual or potential environmental health hazards. All recommendations are resolved with corrective actions pending.

<u>NAME</u>	<u>DATE</u>	<u>Comments</u>
Prepared/Completed by: (b) (6)	10/20/21	
Reviewed by: Debra Coffel	11/10/21	[DJC]: I reviewed this WP and found it satisfactory. (No comments were provided.)
Edited by:		

Purpose: To identify and document responsible offices that make decisions related 35th Avenue Superfund Site Case Study on Cumulative Impacts Audit, Assignment No. OA-FY21-0279.

Source:

- EPA OLEM Superfund Webpage, downloaded from <https://www.epa.gov/superfund> on October 20, 2021 by Mr. (b) (6), Student Trainee, (b) (6) @epa.gov, [Section D. 02 W/P Source 01A EPA OLEM Superfund Webpage, [Link:](#)]
- EPA OAR Webpage, downloaded from <https://www.epa.gov/aboutepa/about-office-air-and-radiation-oar> on October 20, 2021 by Mr. (b) (6), Student Trainee, (b) (6) @epa.gov, [Section D. 02 W/P Source 01B EPA OAR Webpage, [Link:](#)]
- EPA OW Webpage, downloaded from <https://www.epa.gov/aboutepa/about-office-water> on October 20, 2021 by Mr. (b) (6), Student Trainee, (b) (6) @epa.gov, [Section D. 02 W/P Source 01C EPA OW Webpage, [Link:](#)]
- EPA OEJ Webpage, downloaded from <https://www.epa.gov/aboutepa/about-office-policy-op#OEJ> on October 20, 2021 by Mr. (b) (6), Student Trainee, (b) (6) @epa.gov [Section D. 02 W/P Source 01D EPA OEJ Webpage, [Link:](#)]
- EPA OCR Webpage, downloaded from <https://www.epa.gov/aboutepa/about-office-civil-rights-ocr> on November 4, 2021 by Mr. (b) (6) Student Trainee, (b) (6) @epa.gov, [Section D. 02 W/P Source 01E EPA OCR Webpage, [Link:](#)]
- EPA ECRCO Webpage, downloaded from <https://www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi> on November 4, 2021 by Mr. (b) (6), Student Trainee, (b) (6) @epa.gov [Section D. 02 W/P 01F EPA ECRCO Webpage, [Link:](#)]

Scope:

We reviewed EPA's OLEM, OAR, OW, OEJ, OCR Program webpages and document them in relation to the 35th Ave Superfund Site Case Study on Cumulative Impacts Audit, Assignment No. OA-FY21-0279, objective:

- To determine what actions the EPA has taken—in accordance with its mission, its program goals, and applicable executive orders—to identify and address any disproportionate health effects to disadvantaged communities located on or near a selected site [Section C.01.B, W/P Cumulative Impacts Notification Memo 9-16-2021]

(002), page 1 of 3, first paragraph, second sentence, [Link: C.01.B - R - Notification Memo Issuance - Cumulative Impacts Notification Memo 9-16-2021 \(002\).pdf](#)].

Conclusion:

1. OLEM/OSRTI administers the Superfund program which is responsible for cleaning up some of the nation's most contaminated land and responding to environmental emergencies, oil spills and natural disasters. *[Section D. 02 W/P Source 01A EPA OLEM Superfund Webpage, page 3 of 14 'what we do' section,, [Link:](#)]*
2. OAR develops national programs, policies, and regulations for controlling air pollution and radiation exposure and is responsible for develops national programs, policies, and regulations for controlling air pollution and radiation exposure. *[Section D. 02 W/P Source 01B EPA OAR Webpage, page 2 of 13, 'what we do' section [Link:](#)]*
3. OW is responsible for implementing the Clean Water Act and Safe Drinking Water Act, and portions of the Coastal Zone Act Reauthorization Amendments of 1990, Resource Conservation and Recovery Act, Ocean Dumping Ban Act, Marine Protection, Research and Sanctuaries Act, Shore Protection Act, Marine Plastics Pollution Research and Control Act, London Dumping Convention, the International Convention for the Prevention of Pollution from Ships and several other statutes. *[Section D. 02 W/P Source 01C EPA OW Webpage, page 1 of 12 'what we do' section, paragraph 2 [Link:](#)]*
4. OEJ works to protect human health and the environment in communities overburdened by environmental pollution by integrating environmental justice into all EPA programs, policies and activities, and providing guidance on incorporating EJ into regulatory programs. *[Section D. 02 W/P Source 01D EPA OEJ Webpage, page 1 of 3, 'what we do' section [Link:](#)]*
5. OCR, located within the Office of the Administrator, provides leadership, direction, and guidance in carrying out the Agency's equal employment programs. *[Section D. 02 W/P Source 01E EPA OCR Webpage, page 1 of 6, 'what we do' section [Link:](#)]*
6. ECRCO is also responsible for enforcing Section 13 of the Federal Water Pollution Control Act Amendments of 1972 which prohibits discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act as well as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. *[Section D. 02 W/P 01F EPA ECRCO Webpage, page 3 of 8, paragraph 1 [Link:](#)]*

Details:

#	Description/Title	DETAILS Document
A	About OSRTI	<p>OSRTI administers Superfund, the federal government's program to clean up the nation's uncontrolled hazardous waste sites. We're committed to ensuring that the hazardous waste sites on the National Priorities List are cleaned up to protect the environment and the health of all Americans. OSRTI implements the Comprehensive Environmental Response, Compensation, and Liability Act. EPA's Superfund program is responsible for cleaning up some of the nation's most contaminated land and responding to environmental emergencies, oil spills and natural disasters. To protect public health and the environment, the Superfund program focuses on making a visible and lasting difference in communities, ensuring that people can live and work in healthy, vibrant places. <i>[Section D. 02, W/P Source 01A EPA OLEM Superfund Webpage, page 3 of 14, 'what we do seccion' Link:]</i></p>
B	About OAR	<p>The Office of Air and Radiation (OAR) develops national programs, policies, and regulations for controlling air pollution and radiation exposure. OAR is concerned with:</p> <ul style="list-style-type: none"> • pollution prevention and energy efficiency, • indoor and outdoor air quality, • industrial air pollution, • pollution from vehicles and engines, • radon • acid rain, • stratospheric ozone depletion, • climate change, and • radiation protection. <p>OAR is responsible for administering the Clean Air Act, the Atomic Energy Act, the Waste Isolation Pilot Plant Land Withdrawal Act, and other applicable environmental laws develops national programs, policies, and regulations for controlling air pollution and radiation exposure. <i>[Section D. 02 W/P Source 01B EPA OAR Webpage, page 2 of 13, 'what we do' section Link:]</i></p>

C	About OW	<p>The Office of Water (OW) ensures drinking water is safe, and restores and maintains oceans, watersheds, and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife. OW is responsible for implementing the Clean Water Act and Safe Drinking Water Act, and portions of the Coastal Zone Act Reauthorization Amendments of 1990, Resource Conservation and Recovery Act, Ocean Dumping Ban Act, Marine Protection, Research and Sanctuaries Act, Shore Protection Act, Marine Plastics Pollution Research and Control Act, London Dumping Convention, the International Convention for the Prevention of Pollution from Ships and several other statutes. [Section D. 02 W/P Source 01C EPA OW Webpage, page 1 of 12 'what we do section' paragraph 2 Link:]</p>
D	About OEJ	<p>The Office of Environmental Justice (OEJ) works to protect human health and the environment in communities overburdened by environmental pollution by integrating environmental justice into all EPA programs, policies and activities. This includes working with EPA programs and regions to strengthen their community involvement efforts; to identify, assess and consider community issues in EPA's decision-making processes; and to develop critical tools, such as EJSCREEN and guidance on incorporating EJ in our regulatory programs. [Section D. 02 W/P Source 01D EPA OEJ Webpage, page 1 of 3, 'what we do section' Link:]</p>
E	About OCR	<p>The Office of Civil Rights (OCR), which is located within the Office of the Administrator, provides leadership, direction, and guidance in carrying out the Agency's equal employment programs. We also provide policy and technical assistance to EPA's Headquarters offices, Regional offices, and laboratories located throughout the country in carrying out their responsibilities related to civil rights and in complying with Equal Employment Opportunity (EEO) laws and regulations. [Section D.02 W/P Source 01E EPA OCR Webpage, page 1 of 6, 'what we do section' Link:]</p>

F	About ECRO	<p>The External Civil Rights Compliance Office (ECRCO), within the Office of General Counsel is responsible for enforcing several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited-English proficiency), sex, disability, age, and retaliation by applicants for and recipients of federal financial assistance from EPA. (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively.) ECRCO is also responsible for enforcing Section 13 of the Federal Water Pollution Control Act Amendments of 1972 which prohibits discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act.</p> <p>It is the duty of ECRCO to ensure that any entity that receives EPA funds comply with federal non-discrimination laws. ECRCO is the EPA program office designed to ensure that recipients of EPA financial assistance and others comply with the relevant non-discrimination requirements under federal law. If a complaint of discrimination is filed with ECRCO against a program receiving EPA funding, ECRCO processes it. [Section D. 02, W/P Source 01F EPA ECRO Webpage, page 2 of 8, 'overview section' Link:]</p>
G	About ORD	<p>About the Office of Research and Development (ORD)</p> <p>The Office of Research and Development (ORD) is the scientific research arm of EPA. Its leading-edge research informs Agency decisions and supports the emerging needs of EPA stakeholders, including the Agency's state, tribal, and community partners.</p>

H	About OECA	<p>The Office of Enforcement and Compliance Assurance (OECA) goes after pollution problems that impact American communities through vigorous civil and criminal enforcement. Our enforcement activities target the most serious water, air and chemical hazards.</p> <p>OECA is building on our relationship with states and tribal partners to make sure we are delivering on our shared commitment to a clean and healthy environment.</p> <p>Through improved transparency, advanced technologies and community participation, we are empowering the public to help us assure compliance nationwide, and to level the playing field for those entities that follow the law.</p> <p>OECA works with EPA regional offices, and in partnership with state and tribal governments, and other federal agencies to enforce the nation's environmental laws</p>
I	About OCSPP	<p>Using sound science as a compass, OCSPP's mission is to protect you, your family, and the environment from potential risks from pesticides and toxic chemicals. Through innovative partnerships and collaboration, we also work to prevent pollution before it begins. This reduces waste, saves energy and natural resources, and leaves our homes, schools and workplaces cleaner and safer.</p>



OFFICE OF INSPECTOR GENERAL

DATE: May 7, 2021

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-HQ-2019-ADM-0023

CROSS REFERENCE #:

TITLE: GLENN, ONIS, FORMER REGIONAL ADMINISTRATOR, REGION 4

CASE CLOSING REPORT

Subject(s)	Location	Other Data
ONNIS "TREY" GLENN III	ATLANTA, GA	N/A

VIOLATIONS/ALEGATIONS:

1. Criminal Conflict of Interest Statutes filed by Alabama Ethics Commission

FINDINGS:

On February 8, 2019, 4 a superseding Indictment was filed alleging GLENN engaged in multiple violations of the Alabama Ethics Act. The indictment was filed in the Circuit Court of the Tenth Judicial Circuit in the State of Alabama charging the Glenn with one count of aiding and abetting a public official, (b) (6), (b) (7)(C) to intentionally use or cause to be used the official position and/or office to obtain personal gain from Drummond Company, Inc., a family member of (b) (6), (b) (7)(C) or a business in which (b) (6), (b) (7)(C) is associated, in violation of Section 36-25-5(a) of the Code of Alabama; one count of aiding and abetting a public official to solicit or receive a thing of value, namely, compensation from a principal, Drummond Company, in violation of Section 36-25-5.1(a) of the Code of Alabama; one count of aiding and abetting a public official to solicit or receive a thing of value, other than in the ordinary course of business, from a business with whom the official directly inspects, regulates, or supervises in his official capacity, in violation in violation of Section 36-25-5(e) of the Code of Alabama; and one count of aiding and abetting a public official to intentionally solicit or accept a thing of value from Drummond Company, Inc., a business regulated by Alabama Environmental Management Commission, while associated with the regulatory body, in violation of Section 36-25-12 of the Code of Alabama. The indictment also charged Respondent with eleven counts of aiding and abetting a public official in violation of Section 36- 25-7(d) of the Code of Alabama.

Glenn was subsequently suspended from participation in federal contracts by the EPA's Suspension and Debarment division.

RESTRICTED INFORMATION

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On November 24, 2020, (b) (6), (b) (7)(C) Office of Investigations, Office of Inspector General, U.S. Environmental Protection Agency (EPA) received an email from (b) (6), (b) (7)(C) Suspension and Debarment, EPA containing plea and sentencing documents for Onis "Trey" Glenn (Glenn), Former Regional Administrator, Region 4, EPA. (b) (6), (b) (7)(C), (b) (5)

The documents revealed on October 26, 2020, Glenn pled guilty to three counts of receiving a thing of value for purpose of influencing official action in violation of Section 36-25-7(d) of the Alabama Criminal Code, 1975 and was sentenced to one year in prison, suspended, two years of unsupervised probation, and ordered to pay \$6500 in fines.

On April 6, 2021, Special Agent (b) (6), (b) (7)(C) Office of Investigations, Office of Inspector General, U.S. Environmental Protection Agency (EPA) received an email from (b) (6), (b) (7)(C) Suspension and Debarment, EPA containing a notice of debarment decision for Onis "Trey" Glenn (Glenn), Former Regional Administrator, Region 4, EPA and Glenn's company, Southeast Engineering & Consulting, LLC.

According to the memorandum, Glenn is debarred from participant in Federal procurement and non-procurement programs for a period of four years. The debarment will terminate on April 9, 2023.

FINDINGS: As a result of his conviction and sentencing for criminal conflict of interest statutes, Glenn was debarred from participating in Federal procurement and non-procurement programs for a period of 4 years.

DISPOSITION: Allegation Supported

This investigation resulted in Glenn being debarred for 4 years. All administrative proceedings have been completed and/or exhausted in this investigation.

As a result, this investigation is closed.